

TOWN OF NEW WINDSOR

PLANNING BOARD

September 14, 2011

MEMBERS PRESENT: JERRY ARGENIO, CHAIRMAN  
HENRY VAN LEEUWEN  
DANIEL GALLAGHER  
HOWARD BROWN  
HARRY FERGUSON

ALSO PRESENT: MARK EDSALL, P.E.  
PLANNING BOARD ENGINEER

DOMINIC CORDISCO, ESQ.  
PLANNING BOARD ATTORNEY

JENNIFER GALLAGHER  
BUILDING INSPECTOR

NICOLE PELESHUCK  
PLANNING BOARD SECRETARY

MEETING AGENDA:

1. PEDOEM-SHAPIRO - LC SITE PLAN AMENDMENT
2. PATRIOT BLUFF S.P.
3. ALIYA-ZAFAR PRODUCE
4. TEMPLE HILL APARTMENTS S.P.

**REGULAR ITEMS:**

MR. ARGENIO: I'd like to call to order the  
September 14, 2011 Town of New Windsor Planning Board.  
Please stand for the Pledge of Allegiance.

(Whereupon, the Pledge of Allegiance was recited.)

MR. ARGENIO: Welcome everybody, we haven't met in a  
couple of three weeks but we're all here tonight, we  
have a full board. That said, we're going to get right  
down to business.

PUBLIC HEARINGS:

PEDOEM-SHAPIRO, LLC SITE PLAN AMENDMENT (11-10)

MR. ARGENIO: So first item on tonight's agenda is a public hearing Pedoem-Shapiro LLC site plan on Temple Hill Road Route 300. This application proposes a new 3,000 square foot medical office building on the site of the existing 7,000 square foot medical office building. Plan was previously reviewed at the 10 August, 2011 planning board meeting. This is here tonight for a public hearing. What's your name, sir?

MR. SAMUELSON: My name is Jay Samuelson with Engineering Properties.

MR. ARGENIO: If you would describe what you're doing here and if the board has any questions, we'll ask the questions of you if there's anything that's unclear and then we'll open it up to the public if anybody wants to comment. Just one clarification, this is a medical office building not senior use, it's a medical office building?

MR. SAMUELSON: Correct.

MR. ARGENIO: I understand your parking you have no parking improvements here because your count is in conformance with the code even with the new building in place?

MR. SAMUELSON: Upon seal coating and restriping the parking lot yes, it will be.

MR. ARGENIO: Go ahead.

MR. SAMUELSON: This is about two acre parcel located at 448 Temple Hill Road. As you said, the senior facility is to the rear of the project. Currently there's a 7,000 square foot medical office building on site. The applicant is looking to, proposing to be a separate building of 3,000 square feet also consisting of medical office. The improvements that we'll be doing will be the building itself, additional sidewalk, there will be a covered breezeway connecting the two buildings and as I mentioned earlier, we'll be seal coating the parking lot and restriping them to allow for the parking spaces.

MR. ARGENIO: What's that breezeway exactly?

MR. SAMUELSON: It's just going to be a covered breezeway if they want to go from one building to the other in inclement weather, it will be open on the sides with like a porch roof.

MR. VAN LEEUWEN: Not going to be heated?

MR. SAMUELSON: No, not heated.

MR. ARGENIO: Jen, just kind of quickly is there any issue with the firemen with the breezeway or is that not an issue because it's not covered because it's not closed?

MS. GALLAGHER: They reviewed it so it must be fine, they reviewed the plan, saw the breezeway, it must not be an issue at all.

MR. SAMUELSON: That breezeway is a little over 12 feet long so the building is separated by over 12 feet. This building will have its own individual services, water, sewer, electric, telephone and all that. Currently right through the center of the building right now is an underground drainage for the roof leaders of the existing building that will be rerouted around the building and the roof leaders for the new building will be tied in. Then the other thing that needs to be done currently there's an overhead wire that cuts through the building, we have spoken with Verizon and Central Hudson, we have had them out at the site and they have come up with plans to relocate that overhead wire. The piece that goes from the utility pole near the entrance to the back will be removed. They will set a new pole in line within the right-of-way and connect it to the existing pole behind the proposed building and they're actually going to put a second pole across Temple Hill Road as a guy. And that's the extent of this application.

MR. ARGENIO: Anything jumping out at any of you guys here?

MR. VAN LEEUWEN: How come the electric is not going underground?

MR. SAMUELSON: There's existing overhead, all the new services will be underground.

MR. ARGENIO: There's existing transmission lines

there.

MR. VAN LEEUWEN: Okay.

MR. ARGENIO: On the 30th day of August, 2011, Nicole compared five addressed envelopes containing the notice for the public hearing tonight pursuant to this application. She got the list from the town assessor. At this point in time, I'd like to open the public hearing. If anybody would like to comment on the application, please raise your hand and be recognized. Yes? Can you please come forward? Just give your name to the stenographer.

MR. LOCKWOOD: Paul Lockwood, I'm the owner of the New Windsor Country Inn at 450 Temple Hill Road. We share a common driveway, actually I have a right-of-way that was granted on the--

MR. ARGENIO: Can you show me, show us on the drawing where you are?

MR. LOCKWOOD: This is Temple Hill Road so this is my property line here, that's a series of white pine trees here, I have an open field and then my building is approximately here.

MR. ARGENIO: Where is the driveway to get to your building?

MR. LOCKWOOD: We share the same driveway which branches off here, goes around an island and I have my parking area in front of the building.

MR. ARGENIO: Got it.

MR. LOCKWOOD: These are great neighbors, we share the same landscaper, share the same snow plow guy. My biggest concern is just the traffic issue. There's a 43 percent increase in the square footage of the building, I don't know what the percentage of increase is in the parking area, I do know at times it gets a little crowded in the practice. Is there going to be another group of physicians in there?

MR. SAMUELSON: I don't know exactly what practice they're bringing in, that I am not privy to.

MR. LOCKWOOD: Okay, that's my concern is for the traffic. One of my employees, not just to throw it out

there, one of my employees was rear-ended today on Temple Hill Road just trying to get into the driveway. I don't know what the guy was doing but he just wasn't paying attention and he hit her car. Dr. Shapiro and I have discussed this at length in the past, this is a dangerous road, this is a 55 mile an hour stretch of highway, I know this is not the venue to discuss that but, you know, perhaps a turning lane or something might be appropriate at this point in time, particularly given that that's a pediatrics office and in the wintertime it does get very, very crowded in the parking lot there. My other concern I have the right-of-way to go across that property that was granted in the original deed and I'm responsible for the maintenance of it and now if we're going to have increased maintenance issues with more traffic on there, you know, I would like to propose that perhaps that be shared for at least a portion of driveway that's common to the two businesses.

MR. ARGENIO: Let's talk about that just a little bit. So the driveway, who owns the driveway?

MR. LOCKWOOD: I have a right-of-way, I'm responsible for the maintenance of it.

MR. ARGENIO: So you don't own it?

MR. LOCKWOOD: I don't own it.

MR. ARGENIO: Mr. Samuelson, your client owns the driveway?

MR. SAMUELSON: That's correct.

MR. ARGENIO: Mr. Lockwood, you have the right-of-way to pass over the driveway?

MR. LOCKWOOD: Correct.

MR. ARGENIO: But you have to maintain it?

MR. LOCKWOOD: That's correct.

MR. ARGENIO: Boy, that's an odd situation.

MR. LOCKWOOD: Very odd situation and I'd like to have that addressed at least a portion of the--

MR. ARGENIO: My sense is we should let Dominic speak

to this, I don't know that your agreement is a planning board issue, I don't know how much of an issue.

MR. VAN LEEUWEN: It should be between the two of them.

MR. ARGENIO: I certainly don't disagree with your position. Dominic, can you speak to that just a little bit please?

MR. CORDISCO: Mr. Van Leeuwen is absolutely correct, the board unfortunately doesn't have jurisdiction over an easement which is essentially the right-of-way which is an agreement between you and your neighbor as to giving you the right to use a portion of their property to get out to Temple Hill Road. In exchange, you have certain obligations and it sounds like your obligation is to maintain that. If you were to seek to change that arrangement, you would have to do it privately with this applicant.

MR. ARGENIO: I assume Dr. Shapiro is the owner?

MR. LOCKWOOD: Female doctor.

MR. ARGENIO: What's her first name?

MR. SAMUELSON: I want to say it's Maria but I'm not a hundred percent sure.

MR. LOCKWOOD: It's doctor.

MR. ARGENIO: Do you have any other issues?

MR. LOCKWOOD: What's the proportion of increase in parking to existing to proposed, I mean, we're going from how many spots to how many spots?

MR. SAMUELSON: We're proposing 58, I believe there's after the striping there's currently 52 or 53.

MR. ARGENIO: Fifty-eight, does meet the code for the square footage and the usage?

MR. EDSALL: Yes, once restriped they meet the parking requirements for the combined buildings.

MR. ARGENIO: Okay.

MR. VAN LEEUWEN: Can I ask a question? Do you both use that right-of-way or you're the only one that uses

it?

MR. LOCKWOOD: No, we both do, it's a common driveway, you come in off Temple Hill Road, you go straight into my property, right-hand turn into my property.

MR. VAN LEEUWEN: Then Lockwood is the only one that uses it because there's no--

MR. ARGENIO: Mr. Lockwood comes back here like this and this section here they both use this section only. Mr. Lockwood uses but this piece here they both use.

MR. VAN LEEUWEN: Okay.

MR. SAMUELSON: I will definitely talk to her.

MR. ARGENIO: Did you have anything else?

MR. LOCKWOOD: No, that was my concerns.

MR. ARGENIO: Thank you.

MR. LOCKWOOD: Thank you very much.

MR. ARGENIO: Anybody else got any thoughts on this? I'll accept a motion.

MR. VAN LEEUWEN: So moved.

MR. GALLAGHER: Second it.

MR. ARGENIO: Motion made and seconded we close the public hearing.

ROLL CALL

MR. FERGUSON	AYE
MR. BROWN	AYE
MR. GALLAGHER	AYE
MR. VAN LEEUWEN	AYE
MR. ARGENIO	AYE

MR. ARGENIO: Let's just, I want to come back to the traffic thing, Mark, and I'd like you to speak to that in just a moment. Mr. Samuelson, if I'm not mistaken, we talked about some landscaping last time you were here, what did you do to assist our request?

MR. SAMUELSON: Last time we were showing just the

existing landscaping. This time we show a bunch of new plantings around the front and side of the building that will be visible from the parking lot and Route 300. Currently, the only existing landscaping out front is this landscaped bed here and this tree.

MR. ARGENIO: Those two?

MR. SAMUELSON: Those were the existing ones and everything other from here over is new, so we have a couple trees here in front to match the apple trees that are currently there and a couple pine trees to shield the parking lot and some more trees out here and a planting bed.

MR. ARGENIO: They are indicated as being large, a lay person would look at them oh, my goodness, they're beautiful trees. What caliper trees are they?

MR. SAMUELSON: When planted only two or three inch caliper but when they grow will have a canopy of 20, 25 feet.

MR. VAN LEEUWEN: What kind of trees?

MR. SAMUELSON: There's a slew of them, I don't know off the top of my head, I had a conversation with the landscape architect and I got recommendations from them. I know these are apple trees to match the existing ones that are here. I know there's a couple of maples, these here were I believe white pines and I don't remember what these two big ones were.

MR. ARGENIO: Mark, let's just, I'd like you to share a little bit on the traffic thing. My sense is that we're not impacting the DOT curb cut as such nothing is being tripped to compel them to go to the DOT to ask for anything. They already have all the parking they need or all the parking lot area they need. They can meet the necessary thresholds but can you share with us a little bit, Mark, on that? I mean, 3,000 square feet certainly doesn't seem like a huge building but I'd like to hear from you on this.

MR. EDSALL: I will first agree with everything you stated is absolutely correct. The increase in the use relative to the curb cut and access to the state highway although it may be a certain percentage for the on-site is insignificant relative to the background traffic on Route 300. And in all likelihood you're



absolutely correct even though this was referred to the DOT that increase wouldn't be of a magnitude that they'd require a turn lane.

MR. ARGENIO: I have been on this board for many, many years and it certainly takes something more significant than that to compel that.

MR. EDSALL: It's a problem that many of the state highways are having with volumes of traffic, some of the levels of service that we all were spoiled and used to with easy in easy out the levels of service have diminished.

MR. ARGENIO: Deteriorated.

MR. EDSALL: Yes, so that issue I think you're absolutely correct and I don't think that there's much more we can say relative to the background. Relative to the percentage of increase on the site, yes, there's going to be some increase that the Town Code requires parking. As you indicated the area of the parking lot is such that it was by a square footage basis was oversized and under today's code with the striping on today's code they can generate the parking they need to service both buildings. As to the proportional use between the two properties, Dom stated his guidance on that, our participation is limited, I'll let him add more to it but I don't know that that's something that we can deal with.

MR. CORDISCO: Just when you're dealing with two private parties like this where you have a right-of-way and you have site plan that's before you that has a shared right-of-way, the board's focus has to be whether or not the right-of-way is being impeded. Are they proposing to now put a parking lot where the right-of-way is showing and they are not, they are not restricting access per se to Mr. Lockwood's property? Whether or not there's going to be increased traffic on that road remains to be seen but it's not within the board's jurisdiction to be looking at traffic in such a narrow sense to a particular property owner, it's more the general sense as to whether or not there's an increase of traffic in the neighborhood.

MR. ARGENIO: Okay, that was my sense from the beginning but I think Mr. Lockwood has a genuine point, this is directed towards you, Mr. Samuelson.

MR. SAMUELSON: I will have this discussion with Dr. Shapiro tomorrow.

MR. ARGENIO: I think that his point is certainly with merit.

MR. SAMUELSON: Yes.

MR. ARGENIO: I mean, I don't know how much of an issue it is exactly but I can certainly agree that the concept is a little backwards there but you will convey the message as you see fit. I think by law we can't as guided by counsel we can't jump in the middle of that. To my right, Howard and Harry, do you guys have anything else?

MR. BROWN: Just one question on the landscaping, you said that the trees are going to reach a maximum of 20 feet when they mature?

MR. SAMUELSON: Yes.

MR. BROWN: Would that affect the sight distance?

MR. ARGENIO: He's got the trees out of the right-of-way so, I mean, I'm looking at it, Howard, and I don't have a scale with me. What's that, a 20?

MR. SAMUELSON: Yes.

MR. ARGENIO: So you're looking at probably 30 feet, every bit of 30 plus feet from the edge of the road, I wouldn't imagine it would become an issue.

MR. BROWN: Cause at 55 miles an hour cars come up very fast on you.

MR. ARGENIO: Yes, most of what we requested is away from the entrance so I don't think it's going to be an issue unless Danny or Henry Van Leeuwen disagree with that.

MR. EDSALL: Mr. Argenio, what appears to be the closest larger actual tree is about 35 foot back from the road.

MR. ARGENIO: So I wouldn't imagine that it would become an issue. Danny Gallagher or Henry Van Leeuwen, you guys have any additional comments?

MR. GALLAGHER: One quick question, I think we might of touched on it last time, the restriping of the parking lot, were we sealing the whole parking lot? How are we covering up the old stripes with the sealing?

MR. SAMUELSON: Yes.

MR. CORDISCO: That can be a condition of the approval.

MR. EDSALL: It's a detail on the plan. Mr. Argenio, one comment that I unfortunately didn't add to my typed comments but I believe it should be discussed the existing dumpster that's in the bottom right corner sits in the back out area of the parking lot. You may want to have them shift that so it doesn't impede on the backout for those parking spaces, that might not be the best place for that existing dumpster. And I'm not quite sure if they have an enclosure around it or not, it is an existing site but you may want to just work with Jay to get the best opportunity to improve it now while it's here.

MR. ARGENIO: Neil Schlesinger used to be the one who used to mention the dumpsters. Harry, you better get on the stick. What are you suggesting, Mark?

MR. EDSALL: Well, it would seem that if it would be permissible it is a low element to have it shifted back to that area of the Central Hudson easement, it would at least get it out of the back out area, that little pocket could just be extended in a little bit.

MR. GALLAGHER: Looks like it's just sitting there.

MR. EDSALL: Doesn't look like there's any enclosure, it may not be a problem.

MR. SAMUELSON: The only hesitation I would have would be the enclosure within the easement that I'd have, Central Hudson may have an issue with that.

MR. ARGENIO: I think that's reasonable and I think what Mark is saying is reasonable. Can you do that?

MR. SAMUELSON: I will talk to her about, we'll put some sort of concrete pad, shift the dumpster up out of the parking area.

MR. EDSALL: I spoke with Jen, there's no history of any complaints or problems there so it might just be

for convenience so the cars backing out that it isn't in the way if it can be shifted.

MR. ARGENIO: Stall 35 and stall 36 you're stuck.

MR. EDSALL: Yes.

MR. ARGENIO: This went to county and was sent back local determination. What else do you have there?

MR. EDSALL: Jay, have you been able to verify that gravity service works for the sewer?

MR. SAMUELSON: Yes, this sewer is about 9 1/2 feet deep.

MR. EDSALL: Issue done, thank you.

MR. SAMUELSON: Apparently, I don't have anything he's looking for and I will take care of that that Mr. Agido's looking for so I'll be happy to meet with him and give him what he needs.

MR. ARGENIO: What that describes is that your connection detail is not exactly what he's looking for.

MR. SAMUELSON: I'll get him what he needs.

MR. ARGENIO: We didn't do SEQRA. If anybody sees fit?

MR. VAN LEEUWEN: So moved.

MR. BROWN: Second it.

MR. ARGENIO: Motion that we declare a negative dec under the SEQRA process. Roll call.

ROLL CALL

MR. FERGUSON	AYE
MR. BROWN	AYE
MR. GALLAGHER	AYE
MR. VAN LEEUWEN	AYE
MR. ARGENIO	AYE

MR. ARGENIO: I don't believe, does anybody else have anything with this? I would encourage you to follow up on that thing with Mr. Lockwood, I think that's a very reasonable request.

MR. SAMUELSON: I will definitely.

MR. ARGENIO: If anybody wants to take this over the wire, I'll read the subject-tos.

MR. VAN LEEUWEN: So moved.

MR. ARGENIO: Motion for final approval.

MR. GALLAGHER: Second it.

MR. ARGENIO: This is subject to the building being labeled as 448 Temple Hill Road, building number two, subject to you getting squared away with Mr. Agido on your detail on your tap, and it's subject to a bond estimate for the site improvements and subject to you shifting that dumpster away from the parking lot some 12 to 18 feet, you'll work that distance out with Mark Edsall.

MR. EDSALL: Whatever can be worked out.

MR. CORDISCO: Subject to payment of all fees due to the town.

MR. ARGENIO: Roll call.

ROLL CALL

MR. FERGUSON	AYE
MR. BROWN	AYE
MR. GALLAGHER	AYE
MR. VAN LEEUWEN	AYE
MR. ARGENIO	AYE

MR. ARGENIO: Thank you, Mr. Samuelson.

REGULAR ITEMS:

PATRIOT BLUFF SITE PLAN (01-65)

MR. ARGENIO: Next on tonight's agenda is Patriot Bluff site plan on Epiphany Drive, 178 unit multi-family residential project represented by Mr. Shaw. This application involves development of a 178 unit multi-family condominium site plan on the westerly portion of the RPA property. The plan was previously reviewed at the 12 December, 2001, 22 May, 2002, 10 March, 2004, 9 May, 2007, 27 June, 2007, 8 August, 2007, 10 September, 2008, 12 November, 2008, 10 December, 2008, 19 August, 2009 planning board meetings. You tell your boss we're going to send him a bill for our time.

MR. SIMONE: We'd like to make it last.

MR. ARGENIO: Mr. Shaw, I assume that you're here to bring us up to speed I would think on some level? We haven't seen you in quite some time.

MR. SHAW: Yeah, it's been about two years. When we left this board, this board had granted negative dec which put SEQRA behind us. They also granted preliminary subdivision approval because each of the houses are going to be sitting on the lot, and the other application which you took no action on which you really can't is site plan approval. All right, and I think the culmination of when this project is ready to get approved will be final subdivision and site plan approval.

MR. ARGENIO: Let me interrupt you for a second. It looks like these units are zero lot line units, is that correct?

MR. SHAW: Yes.

MR. VAN LEEUWEN: Good idea.

MR. ARGENIO: We did that, help me with my memory, we did that subsequent to the original approval or did that come through as that original?

MR. SHAW: The original application I believe was condominiums then it got amended for marketing purposes and as we discussed to put more money in the

municipality's pocket because it could be assessed as a single-family home. Remember that discussion?

MR. ARGENIO: Yeah, I do.

MR. SHAW: And this board did approve zero lot lines for the project and that's what we had our public hearing on.

MR. ARGENIO: Go ahead, I'm up to speed.

MR. SHAW: After we left, we went off to the health department and we got water main extension approval for the public water system which is primarily the water main that's in Epiphany Drive. We also got water system approval for the private system of Patriot Bluff which is going to be owned and maintained by the homeowners' association. At that point, we went off to the DEC for sewer main approval and that's where we caught a little bit of a snag, before the DEC would sign off and let the technical review of the sewer system begin, they wanted to revisit the archeological and we were up in Albany for a full year reviewing the archeological aspects of this project because some of your board members may remember when this special permit was issued by the town board, there was an extensive archeological survey that was performed. And while nothing has happened to the land in those 20 years, it was still 20 years ago. So Albany, DEC, SHPPPO wanted to revisit, we had to do some digs, culmination after a year is everything is fine, you can continue on.

MR. ARGENIO: Did you find any artifacts?

MR. SHAW: No.

MR. ARGENIO: Not a button, not a belt buckle, nothing?

MR. SHAW: No, no, so at that point, we went back to the DEC for sewer main extension approval. We've got that approval, we went out to the Orange County Department of Health and got Realty Subdivision approval. So here we are before this board working our way to final subdivision approval. Some other issues that have happened along the way in this area we're crossing the Central Hudson easement, we got a license from Central Hudson, okay, for that crossing and some utility poles are going to have to be relocated, that's behind us, there's a developer's agreement in place.

I'm just looking at my notes. We had to obtain a few easements, we had to obtain an easement from Jim Petro in this area, also in this area along the Epiphany Drive for grading on his other property for storm drainage and we also had to obtain an easement from Continental Manor for the discharge of the sanitary sewer mains, so those easements are in hand. A couple issues that we spoke to Mark at the workshop session that we're going to need some feedback from the board on two primary, one are street trees. Again, the public road is going to be the extension of Epiphany Drive where it terminates in a cul-de-sac. I believe your subdivision regulations require street trees every 40 feet on center.

MR. ARGENIO: Greg, do you really think I have that memorized?

MR. SHAW: My question is--

MR. ARGENIO: Mark, do you have that memorized?

MR. EDSALL: I can tell you that we don't use it too often because generally, the highway superintendent doesn't want to maintain all those trees.

MR. SHAW: Well, we're asking if there's any relief to that item, that's just a tremendous amount of trees.

MR. ARGENIO: It's something we would look at, Greg, I'm sure.

MR. SHAW: Okay. And the other issue is refuse. Right now, the project is laid out similar to Patriot Ridge where we have refuse enclosures and with me tonight is Dan Simone from RPA and he can speak to the pluses and minuses of both. Our preference would be to eliminate the refuse enclosures and just have curbside pickup similar to what they have in projects over in Fishkill and it just takes away the eyesore and the smell and the complaints of the refuse centers spread throughout the site. Nobody wants to live next to one. On the other side of the coin, you're going to have cans on the curb for a while until they pick up the garbage and hopefully, everybody picks them up. So that's the tradeoff, okay, and we're looking for the board to let us, to allow to eliminate the refuse and recycle centers and just have curbside pickup. That's a brief overview and opening up for discussion from the board realizing it's been two years and there's probably a



lot of loose ends that are still out there.

MR. ARGENIO: Let me answer your question about the refuse. You need to give us just a bit of time to consider that.

MR. SHAW: Okay.

MR. ARGENIO: You know what we're accustomed to here, I know myself I would like to go look at a few places around town so we're going to put that on ice for a while. The tree thing I think it's something we would consider looking for you to propose something else, I mean, obviously, Greg, you touched ever so briefly on the monetary component of the trees and I certainly am sensitive to that. But we'd be looking to do something else because certainly a barren slab of asphalt with concrete on both or one side is not very appealing. It is my understanding that the property behind you to the west has been purchased, you're aware of that?

MR. SHAW: Has been purchased?

MR. ARGENIO: Or is going to be purchased or is in play for some such thing.

MR. SHAW: We talked to the engineer who was interested in going into contract with it, I know nothing more than that. We have provided him information in order for Epiphany Drive to ultimately be extended down to 300.

MR. ARGENIO: I have been on this planning board for more years than I care to admit, I think the only guy that's been here longer than me is probably Mark, Henry's been on and off a couple times probably cumulatively has more time than me and I can tell you--

MR. VAN LEEUWEN: I was here before Mark.

MR. EDSALL: Long before.

MR. ARGENIO: Since I have been here we have been talking about this link that's trying to get around Five Corners, I don't know whose idea it was originally if it was my idea.

MR. VAN LEEUWEN: Ernie Spignardo's idea.

MR. ARGENIO: But I know we have been talking about it

with you for a while. I believe that that property adjacent to you is highly likely that they are going to come up with some proposal to develop that. As a matter of fact, I think Mr. Pfau who's sitting behind you can assure me that he has some type of plan he's going to present. After using a lot of words, I think you need to carry that road to the back of the property. Let me rephrase that I think, you should consider that.

MR. VAN LEEUWEN: I know it's part of his proposal. I haven't seen the map.

MR. SIMONE: But what we did is provide the easement for it because we're not quite sure where the road is going to go to the adjacent parcel that was one of the issues with the fact that Greg looked at a couple different ways to develop that and depending on how they develop it, there's a 200 foot swath of land where the road could tie in. So when we had discussed it, we had recommended we just leave you kind of this pie shaped easement to the, for dedication to the town so that the road could go anywhere within that area.

MR. CORDISCO: Like an undefined 50 foot easement.

MR. SIMONE: It's more than 50 foot.

MR. ARGENIO: Dan is precisely correct and the answer was just what he said, nobody had any idea if this was ever going to come together or where it was going to come together.

MR. SIMONE: Right.

MR. ARGENIO: It seems to be coming together.

MR. SHAW: That piece that Dan is referring to.

MR. ARGENIO: I got it, Greg. So I would like you guys to consider that. I don't know when your build time is, I mean, I'm sure it's largely market driven.

MR. SIMONE: It's completely market driven.

MR. ARGENIO: I don't know how far we're going to go with this current discussion and I don't know what the other developer's timing is specifically but I do know that both developers are very credible.

MR. SHAW: I understand that and it's been ten years since this application was made as you read off we would like to get this filed in Goshen as soon as we can. I have 60 drawings that I am ready to submit to Mark to begin his final review, okay, so we're right at the end of the engineering process. Realizing full well that Mark still has to do his review of all the documents but we're right down to the five yard line. So this is a substantial change because not only does it open up the redesign of the cul-de-sac but it's a storm drainage, it's the crossing of the wetlands going back to the Army Corps for a permit, it's a big deal.

MR. VAN LEEUWEN: Greg, let us look at the other plan and see what they're coming up with so we know what we're talking about because right now, we don't know what we're talking about.

MR. ARGENIO: We don't know exactly, I have the map with me here tonight, I got a copy of it in advance. I don't think it's as big a deal as you're representing it to be, that's only my opinion but I certainly do understand your point, I'm very sensitive to your point, I understand.

MR. VAN LEEUWEN: And we have worked with you guys quite a bit.

MR. ARGENIO: I understand that there's issues, there's certainly not a mountain in front of you, the mountain is you're real close to the top seems to me some of the hurdles that you have outlined here for a lesser developer or lesser engineer would be seemingly insurmountable in my estimation.

MR. VAN LEEUWEN: Can I ask one question? The garbage, will that be picked up by you people or picked up by the town?

MR. SHAW: No, the town will not be picking up the garbage, it will be a private hauler, they'll be picking it up. Again, the only town road is going to be Epiphany Drive, all the other roads are privately owned, water, sewer systems.

MR. ARGENIO: How wide are the private roads?

MR. SHAW: Thirty feet.

MR. VAN LEEUWEN: Paved, correct?

MR. SHAW: Correct, with curbs.

MR. ARGENIO: Are you proposing walks on Epiphany Drive?

MR. SHAW: On one side with entrance into the school property and a couple entrances into the Petro property which was one of the conditions of the easements which he granted.

MR. ARGENIO: What's the crossing right here, Greg, is this a box culvert here? What is this?

MR. SHAW: That's a dual box culvert three by seven.

MR. ARGENIO: Mark or Dominic, anything else we need to get focused on here? I'm trying to look at the broad stroke.

MR. EDSALL: I'd like to thank Greg for only bringing three or four sheets instead of all 61.

MR. CORDISCO: Sixty-two.

MR. EDSALL: Sixty-one on his legend but the answer is there's a lot of detail over the 60 odd sheets and it will take quite a review but in meeting with Greg at the workshop the intent was just to update the board and let the details get further reviewed on the final plans.

MR. CORDISCO: There are some other additional comments, Mr. Chairman.

MR. ARGENIO: Say it again.

MR. CORDISCO: I have a couple other additional comments.

MR. ARGENIO: Go ahead.

MR. CORDISCO: We would need to see the homeowners' association documents, at least in terms of draft form because there's going to be as I understand it a homeowners' association regarding the common areas in connection with the subdivision. I want to make sure, am I mistaken in that?

MR. SIMONE: No.

MR. CORDISCO: We would need to see those to make sure that the adequate protections are there to make sure that the homeowners' association is going to be maintaining the common areas, we went through that with The Grove, same issue there. It's not, and I don't want to give you the impression that we're looking to micromanage that process, just that we need to know that those protections are going to be put into place. There was a comment regarding SHPPO and the additional digging to close out our record, if you have correspondence from SHPPO saying that no further action is required that should be part of our record as well so that should be provided.

MR. SHAW: I don't have that but I can get my hands on it.

MR. CORDISCO: And there's also the acquisition of easements that are necessary for this plan from Petro and also from Continental Manor, we'd like to have those as well, provision of those will be conditions of the approval I'm sure but if you already have them in hand you can take them out of the loop at this point.

MR. ARGENIO: Where is the Continental Manor easement drainage?

MR. SHAW: Right here connecting to the town sewer line.

MR. ARGENIO: Okay, what else, you guys got anything else? What else you want from us tonight?

MR. SHAW: The only question I have maybe it's to Mark are we in a position for me to generate a set of documents for you to start your review?

MR. EDSALL: Yes. I have some coordination to do with the town board as to the disposition of all the utilities, make sure we're all set with them and the review of the storm water facilities so that could happen after final set was submitted for review.

MR. CORDISCO: Just to clarify, the homeowners' association documents I'm not suggesting that you need to get them in order to get this board's approval, but that it may be a condition of the board's approval prior to you actually getting your plan signed and ready for filing at the County Clerk's Office.

MR. EDSALL: If it's the board's desire we could suggest to Greg and Dan that they get that final two sets of plans in one that can be at Town Hall for departmental review and one I will take to look at.

MR. ARGENIO: I have to speak, I'm sorry, I can't shut my mouth. If we blow this connection, I'm looking at you two guys and I'm looking at you guys, if we blow this connection.

MR. EDSALL: How are we getting that by getting the final plans going?

MR. ARGENIO: I didn't say we were but my mind is running while we're speaking if we blow this connection in my opinion we didn't do our job.

MR. EDSALL: Precisely why I want to get the plans going, coordinate with the town board and have it such that the planning board can grant final approval unless you're inclined to grant conditional approval tonight subject to all these reviews.

MR. VAN LEEUWEN: I want to see what's on the other map first so we can locate where that road is going to come in here cause that road is very, very important.

MR. SHAW: Mr. Chairman, you're not going to blow the connection, provisions have been provided for the connection, the bottom line comes down to who pays for it, that's the reality, the connection is there.

MR. ARGENIO: You're probably right. I just get a little nervous about it because it's something that's been out there so many years, Greg, you've been coming here so many years, I mean, you know how long it's been out there.

MR. CORDISCO: If I may, I think the next step would be to submit the actual detailed plans so we can do the review.

MR. ARGENIO: That would be great.

MR. SHAW: I will submit them directly to Mark.

MR. EDSALL: Through the planning board I would say two copies cause we don't want more than two copies.

MR. ARGENIO: Send them to her.

MR. SHAW: Fine.

MR. ARGENIO: Let me ask the members, what do you guys think about the tree issue, the garbage thing, we should go look around town, see what you think. What are your thoughts on the tree issue?

MR. VAN LEEUWEN: For me the garbage issue is no problem, okay, but the trees are a problem.

MR. ARGENIO: That's a tree every 40 feet.

MR. VAN LEEUWEN: Wait a minute. Can I finish?

MR. ARGENIO: Yes.

MR. VAN LEEUWEN: May I?

MR. ARGENIO: Yes, you may.

MR. SHAW: There is a detailed landscaping plan for both private sections, it's quite extensive, that's off the table, it's just the street trees along the public road of Epiphany Drive, that's the only thing that's on the table every 40 feet.

MR. CORDISCO: In connection with that, I think this board should look at that issue and come up with a recommendation on it but ultimately this is going to be subject to an offer of dedication to the town board and the town board is going to have to decide what they want to separate out there so if their board has an opinion, you know, then but ultimately the call is going to be by the town board in connection with whether or not they want trees every 40 or 60 feet because they're going to be, it's going to become town property.

MR. VAN LEEUWEN: How about trees every 60 feet?

MR. ARGENIO: We don't have to decide tonight. What I'm looking for is some feedback. I'd like to know what you guys are thinking.

MR. VAN LEEUWEN: It isn't liking the trees, trees clean the air, there's a lot of cars going to be in there, a lot of cars are going to be moving in and out certain times of the day, I realize that, okay, but

trees help clean the air. And right now, we don't have all electric cars and all that fancy stuff yet, we're coming to that, but I would like to see some trees. Do I need to see them every 40 feet? No.

MR. ARGENIO: Howard or Harry, you guys have any thoughts on that?

MR. BROWN: No.

MR. ARGENIO: Think about it a little bit because we're going to go down that road at some point.

MR. GALLAGHER: No thoughts.

MR. ARGENIO: Well, think about it.

MR. SHAW: Mr. Chairman, while you're thinking about that and kicking it over to the town board also street lights.

MR. ARGENIO: Okay, that's, they kind of go hand in hand.

MR. SHAW: Thank you.

ALIYA-ZAFAR PRODUCE (11-13)

MR. ARGENIO: Next is Aliya-Zafar. The application



proposes additions to the existing facility for more warehouse or cooler expansion and an office expansion. Sir, what's your name?

MR. GREEN: I'm Stephen Green, I'm the surveyor doing the work for Zafar. We're taking this current building which is 10,000 square feet and modifying it to 16,800 square feet. And that was our extent of what he wanted to do.

MR. ARGENIO: So 16,000 square feet?

MR. GREEN: To 16,000.

MR. ARGENIO: What is it now?

MR. GREEN: Original building is 10,000, he wants to add on a total of 6,000 square feet.

MR. ARGENIO: How does this, Jen, can you speak to the fire code?

MS. GALLAGHER: Go ahead.

MRS. PELESHUCK: They have to, we didn't honestly get what the square footage was, the plan wasn't quite that specific, they'll need to sprinkler and the fire lanes must be 30 feet.

MR. GREEN: Right, the architect is aware there's no sprinklers in the building at all currently and she knows that every bit of the building will have to be sprinklered, you know, in some form of sprinkler system, well aware of that.

MR. ARGENIO: Okay, want to make your--you aware of it?

MR. GREEN: We have no problem with that. The parking lot will be upgraded to match his requirements at the time, be about 26 cars, just general cars. The rest is going to be delivery trucks, tractor trailers, and that was his original plan. Now since we have done this and I talked to her this afternoon about it, he wants to add more.

MR. ARGENIO: More what?

MR. GREEN: More trucks, more parking spaces, more building, all right.

MR. ARGENIO: That's not the end of the world.

MR. GREEN: It's not a big problem but it's going to change what we have out here already.

MR. VAN LEEUWEN: How much more is he going to add?

MR. GREEN: Add on about another 2,000 square feet.

MR. ARGENIO: I don't want to see it, don't even open it up, it's okay, it's good, Zafar is a good business in this town and they are. Jen, do you have any issues up there?

MS. GALLAGHER: No.

MR. GREEN: What we're going to do is move the entrance of the building to the side and give a full 30 foot lane with 10 foot on the inside for fire and then we're probably going to extend the parking lot out to allow for tractor trailer storage, additional trucks. I was out there walking the site, he's already got three or four brand new trucks sitting out there and just the parking lot itself and I talked to Jay Samuelson who was just here about possibly doing some drainage because we're going to be modifying the ground. The back of the building isn't going to be changed at all except we're going to put a dumpster enclosure with compactor, the fuel storage tank has been there, we didn't want to mess with it.

MR. ARGENIO: Above ground?

MR. GREEN: Above ground self-contained.

MR. ARGENIO: His thought is don't touch it.

MR. GREEN: My thought is don't touch it because we don't want to involve DEC unnecessarily. The building will not look any different than what Linda has already decided, just a little bit bigger, okay.

MR. ARGENIO: Let me just jump in here for a second, I'm sure everything you're saying is true but Zafar called you today about this literally?

MR. GREEN: Called me last week.

MR. VAN LEEUWEN: I know Zafar, okay, I know him well.

MR. ARGENIO: Get your plans squared away as I said this is the right use in the right area.

MR. GREEN: It's going to be a cleaner looking area, reblacktopped.

MR. EDSALL: I have comments that will help Mr. Green and when he re-works the plan some of the areas we need to have a little bit clearer understanding of square footages. One concern I have and we'll let them know so they can incorporate it into their thought process as they evaluate how much they're going to add and how much more impervious area they're going to add. They were under the threshold for the requirement for storm water pollution prevention plan based on this plan they didn't make it by a lot. Once you trigger the areas you'll then fall under the category of requiring a full storm water prevention plan so build that into your thought process.

MR. GREEN: That's why I was talking to Jay.

MR. EDSALL: Make sure you hire the right people.

MR. CORDISCO: On that point once you trip over and require storm water plan, you have to treat storm water from the entire site, not just the amount that you're tripping over.

MR. GREEN: Right, I was aware of what was going to happen and thought that they could come in and just do the small addition, I've got the builders calling me and I said you're going to be a while.

MR. EDSALL: Since you're expanding out into a larger area of impact we need to have some good topo on here.

MR. GREEN: Full topo from one end to the other.

MR. ARGENIO: I talked to Jay Samuelson about doing the engineering. Mr. Green, it's all good, we have every interest in moving you along, we certainly don't want you bogged down at the planning board but there is a process and we'll go through it and I'm sure that whoever you're using there for your engineering services, Mr. Samuelson or whoever else you use hopefully they'll be competent and move you along best we can.

MR. GREEN: Thank you.

MR. ARGENIO: Thank you for coming in.

TEMPLE HILL APARTMENTS SITE PLAN (11-14)

MR. ARGENIO: Next is Temple Hill Apartment site plan,

Warwick Property. Application proposes 260 unit multi-family residential development 182 totally affordable senior citizen housing units on an 18 1/2 acre lot. The plan was reviewed on a concept basis only. Go ahead, Mr. Pfau, I see Joe Pfau here in front of the board.

MR. PFAU: Good evening. As discussed with the early application Patriot Bluff this property does sit directly to the west of the project. You can see that on the location map. If you take a look at the property layout on the plan that you have in front of you, if you look to the easterly side of the property you'll see a pie shaped area right here, that is actually the lot that they were speaking of as far as that pie shaped lot that's proposed to be dedicated to the town. Our proposed road is coming in and then a cul-de-sac is probably right in here someplace.

MR. ARGENIO: Joe, what we're looking at is the fact that it didn't appear based on the drawing that I had.

MR. GALLAGHER: To line up.

MR. ARGENIO: Exactly, what your road proposal was going to line up with RPA's plan but now that you're pointing out the right-of-way which I assume you checked and it's right?

MR. PFAU: Yes.

MR. ARGENIO: Go ahead.

MR. VAN LEEUWEN: We've got to make it fit.

MR. ARGENIO: It's gonna happen.

MR. PFAU: Mr. Shaw gave us copies of plans, that's how we verified that we're on the same data as far as our topo and utilities and all that. So our proposal and it's a concept plan we're doing our aerial flights, couple small pockets of wetlands on the site but the general concept proposed town road up Temple Hill Road to the back of the property, this will be a dedicated road which will be part of the connector road and then the project is proposed to basically be broken up into two projects. On the northern side of the proposed town road, we're going to be looking for a work force housing overlay from the town board. Our proposal is for three work force buildings and they'll be

specifically for work force veterans and special needs, those are going to be the three uses for the work force housing. Three building 26 units in each building, 21 one bedroom units, four, 2 and one 3 bedroom unit, the southern side of the proposed town road we're going for a totally affordable senior citizen housing overlay zone. This is a proposal for four separate buildings, it will be broken into two phases, two separate lots built in two separate phases, 90 units in each for a total of 180 for the seniors, total number of units 78 work force housing type units and 180 plus two super's for the senior citizens housing for a total of 260. We're providing one space per unit in the totally affordable senior citizen housing portion and two spaces per unit in the work force housing side. The work force housing will have a recreation component, we don't have a detail on this plan yet but that will be part of it. The senior citizen housing will also have a series of gazebos and barbecue areas as well and our utilities we're anticipating that we're going to be collecting our sewer from either down on Temple Hill Road there's a private road down in this area here or potentially obtaining easement from the Continental Manor. The water will be taken out to Temple Hill Road and I'm assuming will be looped through the Patriot Bluff project and the storm water will be treated on site.

MR. ARGENIO: Can I ask you a question? You sat here tonight and you heard Mr. Lockwood stand up and speak that arguably could it be possibly 20 trips a day into that 3,000 square foot building, Mark, could it be 20 trips?

MR. EDSALL: Depends what type of medical office but--

MR. ARGENIO: Could it be 40?

MR. EDSALL: Yeah, that's about it.

MR. ARGENIO: The last application that was here was across from Mertes Lane, just went to zero lot lines.

MR. EDSALL: Covington.

MR. GALLAGHER: Right next to Continental Manor.

MR. ARGENIO: Covington was here and they went, Henry, I don't know if you were at the meeting, may not have been, but they came and they had approval but they

wanted to do zero lot lines because it's appealing and they said it's more marketable, town gets more revenue, no site plan changes, we had a public hearing, I'm not going to say we had a full house, Mark, but would you say there was a few people here?

MR. EDSALL: Bunch of people here.

MR. ARGENIO: Pretty much all the comments were traffic related pretty much. There was some, I'm not going to call them irate citizens from Continental Manor, but some of them were.

MR. VAN LEEUWEN: Ticked off.

MR. ARGENIO: They were not thrilled. I think some of them didn't understand what we were there for that night, we were there for the zero lot line, not for the site plan approval, site plan approval they acquired on a previous date, now you have a lot of units here. What are you proposing?

MR. PFAU: As far as improvements?

MR. ARGENIO: How are you going to get out to Temple Hill Road with that many units?

MR. GALLAGHER: Where is the dump off compared to Continental Manor?

MR. PFAU: I'm not quite sure.

MR. GALLAGHER: Continental?

MR. PFAU: Continental Manor's down south.

MR. GALLAGHER: There's a couple residences.

MR. PFAU: Two or three more residences and then our property, actually an existing house, it's a property just prior to the Purple Heart Museum. It's a private road that's right here, that's right here.

MR. EDSALL: This is just south of the Purple Heart property.

MR. PFAU: That's right.

MR. GALLAGHER: That's a lot of cars between this and Continental Manor.

MR. BROWN: What about the historic, like on Forge Hill?

MR. ARGENIO: I don't know the proximity, I'm not sure, Howard.

MR. PFAU: We'll certainly have to deal with that, we have already sent out our application to SHPPPO.

MR. GALLAGHER: We asked Covington Estates to do it.

MR. BROWN: It's right next to the Encampment.

MR. EDSALL: Look at the plan, New York State is to the north.

MR. PFAU: Next property up is the park.

MR. ARGENIO: So yeah, they'll be certainly notified and they'll probably be subject to.

MR. CORDISCO: This actually makes this a Type I action, we have to circulate for lead agency.

MR. ARGENIO: Because of the location?

MR. CORDISCO: Yes.

MR. ARGENIO: And they need, and he needs relief from zoning, does he not Mark?

MR. EDSALL: The town board is going to act to allow the next that he's proposing or he will need a variance.

MR. ARGENIO: Back to the original question, you know the question, please don't dance around it, do me the service of not dancing around it, how are you going to get out onto Temple Hill Road? Just going to be careful?

MR. PFAU: No, we're going to have to have a traffic engineer take a look see, I certainly at this time I'm not qualified to tell you exactly.

MR. ARGENIO: That's a very reasonable answer.

MR. PFAU: I could tell you that the site distance is very good in front of our property so that particular



issue--

MR. VAN LEEUWEN: Sight distance is good.

MR. ARGENIO: That's good news. And Joe, I say it because there's going to be public hearings associated with this and I'm telling you the last, pick a number, two, three, four, five, applications that have come through here on that corridor traffic is always, always an issue. And the answer, Mark had the right answer tonight with the guy with the medical building 3,000 square foot typically it's not a tremendous impact but the cumulative effect of ten of them makes a different, well, you have ten of them right here.

MR. PFAU: In fact, we're going to have another project utilizing this as well. Now our senior housing we won't be generating high traffic volumes during peak hours, the work force housing is a different story.

MR. ARGENIO: Agreed. Let me ask you this, the parking for the senior housing, it does or does not meet code?

MR. PFAU: It does, one space per unit.

MR. GALLAGHER: Work force buildings, how many stories are those?

MR. PFAU: They'll be three story buildings. And I believe that we do have renderings, I don't know if they're specific to this but we do have renderings that are close that we can.

MR. ARGENIO: That will be great when the time comes. Mark, the other thing I'd like to know from you or somebody at some point in time is if this link is completed I want somebody who's smarter than me to give me their best estimate of a traffic count on this road.

MR. EDSALL: I think because this is a link that exceeds the needs of both applications and is more a town wide issue we may want to talk to the town board about possibly getting an evaluation done by a traffic engineer familiar with Five Corners in the area just because I'm sure DOT is going to ask, they're going to know there's roads coming together and it's connecting two state highways so we may want to get ahead of it and speak with the supervisor about getting our traffic consultant that worked with us on several applications.

MR. ARGENIO: Talking about Phil Greeley.

MR. EDSALL: Phil Greeley generally has worked with the town on many issues.

MR. ARGENIO: He has historical data on most of the intersections in this town.

MR. EDSALL: I will reach out to him to have him consider what would be involved but I think it's something we should do.

MR. CORDISCO: And Phil, if I may add, Phil's doubly qualified here because not only can he provide the analysis regarding traffic counts but he can also provide recommendations regarding the design of this proposed town road because it's going to be a town road and there may need to be traffic calming measures brought into there.

MR. ARGENIO: That's why I asked the question.

MR. EDSALL: I'll get that discussion started with Phil and it's something that we have to look at beyond both applications.

MR. ARGENIO: Build it and they shall come, I certainly wouldn't want to build it in good faith and suddenly you have traffic backed up 20 cars deep because everybody is going around Five Corners because nobody wants to deal with a signal that's a level F service.

MR. VAN LEEUWEN: One thing we're lucky about it's all swamp on the other side, there's no dry land until you get to Mertes Lane.

MR. ARGENIO: So, Joe, what do you want from us? What else are you looking for here? You have homework to do seems to me.

MR. PFAU: Absolutely, this is a concept plan, we certainly don't want to go way, way down the road until we have the blessing of the town board as well so I suppose at some point we're looking for something from this board to report back to the town board with regards to the overlay districts.

MR. EDSALL: Generally, the planning board when there's an application for work force or senior reports as to information on their initial review but that's done

relative to the zoning law. But as we all know the current zoning law does not enable this mix nor this location so we'll really have, this is going to be a little bit backwards, you need to go to the town board first, see if the town board is going to make modifications to the zoning law. If they do, then you'd probably come back here and the planning board would know what the new provisions are and then report back cause at this point if they reported it would be, the law doesn't allow it.

MR. CORDISCO: Yeah, under the existing law, if this was a project that complied with the existing law, there would be a number of referrals back and forth between the town board and the planning board. The planning board receives the initial application, sends the initial application to the town board once it has sufficient information and asks the town board is this site suitable for this kind of use and without granting the actual special permit yet because the detailed review hasn't yet been undertaken. The town board then basically gives you an informal answer on that question, sends you back, you have been through this process before so but I'm just reiterating for the board that the town board sends it back to you, you undertake your detailed engineering review and all the procedural steps that you need to do, including acting as lead agency under SEQRA. You close out SEQRA, you know, and then you send it back to the town board and then the town board decides at that point whether or not to grant the special permit. Here you can't go fully through that process because what they're proposing you can't deem that this application to be complete because what they're asking to do--

MR. ARGENIO: It's against the law. Henry, go ahead.

MR. VAN LEEUWEN: What I would do before I would go to the town board I would sit down with the other engineer and both of you line up those roads that has to come through. Cause I'll tell you something that's one thing the town board is going to look very closely at, believe me when I tell you, I know they want a through street there no matter what.

MR. BROWN: What's the criteria for senior housing anyway, isn't it supposed to be located near public access to stores and everything?

MR. ARGENIO: It's in the overlay district, Dominic,

can you elaborate little bit for Howard's benefit? The question is what's the criteria for senior housing? My response is that it needs to be in the senior overlay district.

MR. CORDISCO: Correct, it needs to be in the overlay district and then there's a number of criteria that the town board has to apply in terms of the being near community facilities, having readily available water and sewer to service the project, being close to public transportation, all those are issues that the town board at the end of the day has to decide that this meets the criteria for.

MR. ARGENIO: There's a good point, public transportation one of the things we talked about at the other one was the fact that there is a bus stop there.

MR. CORDISCO: That's correct.

MR. ARGENIO: And that was a good thing.

MR. PFAU: When you say this application doesn't meet Town Law, it's because there's no overlay zone placed on it at this point, right?

MR. CORDISCO: No, it's because what you're proposing wouldn't even meet the requirements of the overlay in terms of the density and the mix of use between the work force housing and the senior housing.

MR. ARGENIO: Joe, in my mind at that point it all falls in the same basket at this point which is not a bad thing, just the way my mind categorizes things.

MR. VAN LEEUWEN: Take a look, very close on the through road.

MR. PFAU: I'll put a nice picture together.

MR. ARGENIO: Who maintains the boulevard entrance?

MR. PFAU: That's coming out, the fire department, that was first thing they nixed when they met with them.

MR. ARGENIO: Good.

MR. EDSALL: Highway superintendent would have gotten it if they didn't.

MR. ARGENIO: You guys got anything else on this, Harry, Danny, Henry?

MR. VAN LEEUWEN: No, I said my piece.

MR. ARGENIO: What else you got?

MR. PFAU: That's it, so I can go to the town board?

MR. ARGENIO: I don't think you need anything from us. Thank you for coming in, Joe.

MR. PFAU: Thank you.

MR. ARGENIO: I thought that those entrances didn't line up, Joe, it's important they line up, I have one scaled drawing from one applicant, one from another one, I think this is 100 scale and I was looking at, no, this is a 150 scale and I was looking at 50 scale and I couldn't see them lining up and I got a little, got my panties in a ruffle there.

MR. PFAU: I'll put the two plans.

#### DISCUSSION

MR. ARGENIO: Mark, did you have something you wanted to share with us?

MR. EDSALL: Yes.

MR. ARGENIO: What do you got?

MR. EDSALL: At the workshop meeting day, one of the guests was the Grace Worship Center, they're currently headquartered out of Fishkill, New York, they're interested in occupying--

MR. ARGENIO: Where are they located?

MR. EDSALL: Currently Fishkill, New York. They are interested in occupying the Lease property out on Route 300 just out of Five Corners.

MR. ARGENIO: Right.

MR. EDSALL: That would be 153 Temple Hill Road, so that 153 Temple Hill they're interested in taking the right or the northerly occupancy which is 1,200 square foot and use it for a worship center rather than the retail which is what was improved. They propose no outside changes. The only issue that comes to mind as always is parking. And if you go backwards and take the 1,200 square foot they're allocated eight parking spaces based on retail and that would give them the ability to have no more than at any time 24 people participating in any services or any other events within the building.

MR. ARGENIO: What kind of church has 24 people?

MR. EDSALL: It's a worship center and to be honest, I'm seeing a lot of these across the county start off small worship centers and a lot of times they move on if the congregation or group grows they move on. They have submitted a letter signed by the pastor and by the landlord asking for this, it does need to be corrected to say rather than approximately 24 people no more than 24 people at any time.

MR. ARGENIO: Twenty-four is not 26.

MR. EDSALL: Correct.

MR. ARGENIO: Nor is it 25.

MR. EDSALL: But the question becomes does the board have any concern? It is a permitted use in the zone.

It just isn't listed on the approved site plan.

MS. GALLAGHER: Just with this whole 24 thing it might not even be 24 because as Lou was looking at the layout they don't even have bathrooms for 24 people so it might even be lower.

MR. ARGENIO: Eleven people.

MS. GALLAGHER: Yeah.

MR. ARGENIO: What's the question?

MR. EDSALL: Does the board have any concerns or objections? And number two, if you don't, would you on the record indicate that you have no objection to this change in use, no site plan change but just change in use for the one occupancy of the building and if that was agreed to it would go into the record?

MR. ARGENIO: We're not being sucked into making a precedent for the other areas of the building, are we?

MR. EDSALL: Not that I can tell and we have done this in the past where uses that are permitted in the zone if they had been listed when approved there'd be no issue.

MR. ARGENIO: I don't have a problem. You got this?

MS. GALLAGHER: Yes.

MR. ARGENIO: So you have been so authorized to work with Jennifer on that.

MR. EDSALL: Okay.

MR. ARGENIO: Motion to adjourn?

MR. GALLAGHER: So moved.

MR. FERGUSON: Second it.

ROLL CALL

MR. FERGUSON	AYE
MR. BROWN	AYE
MR. GALLAGHER	AYE
MR. VAN LEEUWEN	AYE

September 14, 2011

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MR. ARGENIO

AYE

Respectfully Submitted By:

Frances Roth  
Stenographer